



IN THE MATTER OF:

Complainant,

Respondent.

ALS No.: 04-074

On March 3, 2004, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Chavez Stubbs. That complaint alleged that Respondent, 300 Cut Rate Liquor, Inc., discriminated against Complainant on the basis of his race when it denied him the full and equal enjoyment of its facility.

This matter now comes on to be heard on Respondent's Motion to Dismiss. Although Respondent mailed its motion to Complainant at his last known address, he failed to file any written response or to appear at the hearing on the motion. The matter is ready for decision.

The following facts were derived from the record file in this matter.

1. The Human Rights Commission mailed a copy of the complaint in this matter to Complainant at his last known address on March 5, 2004. That complaint was returned unclaimed to the Commission by the United States Postal Service.

2. The initial status hearing in this case was scheduled for April 22, 2004. Complainant did not appear at the scheduled time. Respondent appeared by counsel and was given leave to file a motion to dismiss.

3. Respondent mailed its Motion to Dismiss to Complainant at his last known

address on April 29, 2004. The motion was set for hearing on May 20, 2004.

4. Complainant did not file any written response to Respondent's motion. The time for filing such a response has passed.

5. Complainant did not appear at the scheduled hearing in Respondent's motion.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled hearings and apparent failure to keep the Commission apprised of his current address have unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed. Since the initial complaint package was returned unclaimed, it appears that he has not even kept the Commission apprised of his current address. His inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss his claim with prejudice. See ***Leonard and Solid Matter, Inc.***, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: May 28, 2004